

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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|------------------------|---|--------------|
| HECTOR CASTILLO | : | CIVIL ACTION |
| | : | |
| v. | : | |
| | : | |
| COCA-COLA BOTTLING CO. | : | |
| OF EASTERN GREAT LAKES | : | NO. 06-183 |

ORDER AND OPINION

JACOB P. HART
UNITED STATES MAGISTRATE JUDGE

DATE: June 23, 2006

On May 22, 2006, I denied Defendant Coca-Cola Bottling Co. of Eastern Great Lakes (“Coca Cola”)’s motion to dismiss this action. Based on principles of judicial estoppel, however, I ruled that, because Castillo had not disclosed this Title VII action in his petition for personal bankruptcy, he could not obtain monetary damages in this action. Those damages would have become an asset of the bankrupt estate, available to his creditors, if the action had been properly disclosed.

I permitted Castillo to seek equitable relief, because this would not have added anything to his estate, even if it had been disclosed. See Barger v. City of Cartersville, Georgia, 348 F.3d 1289, 1297 (11th Cir. 2003); Burnes v. Pemco Aeroplex, Inc., 291 F.3d 1282 (11th Cir. 2002). I also permitted him to seek backpay and frontpay, because this monetary relief would not have been included in his bankruptcy estate. See 11 U.S.C. § 541(a)(6).

Coca Cola now asks me to amend my May 22, 2006, decision to specify that Castillo cannot obtain punitive damages. Indeed, punitive damages are a legal, and not an equitable, form of relief. Tull v. United States, 481 U.S. 412, 422 n. 7 (1987). Clearly, if this case had been made a part of Castillo’s bankruptcy estate, as it should have been, any punitive damages he

obtained would have become an asset of the estate. For this reason, I will grant Coca Cola's motion.

ORDER

AND NOW, this day of June, 2006, upon consideration of Defendant's Motion to Reconsider, docketed in this action as Document 21, and Plaintiff's response thereto, it is hereby ORDERED that Defendant's motion is GRANTED and it is further ORDERED that Plaintiff may not seek punitive damages in this action.

BY THE COURT:

/s/

JACOB P. HART
UNITED STATES MAGISTRATE JUDGE